

REMARKS

Claims 1, 3, 5-8, 10, 12-15, 17, 19-22, 24 and 26-28 are pending in this application.

By this Amendment, claims 1, 3, 8, 10, 15, 17, 22 and 24 are amended and claims 2, 4, 9, 11, 16, 18, 23 and 25 are canceled without prejudice to or disclaimer of the subject matter recited therein. Support for the amendments to the claims may be found at least in Applicant's Figs. 4, 10 and 11. No new matter is added by the above amendment. In view of at least the following, reconsideration and allowance are respectfully requested.

I. Double Patenting Rejection

The Office Action rejects claims 1 and 4 under provisional obvious-type double patenting over claim 1 of co-pending U.S. Patent Application No. 10/658,812 (Liu-I) (now U.S. Patent No. 7,337,106 issued February 26, 2008).

Submitted herewith is a Terminal Disclaimer terminally disclaiming any patent term extending beyond the full statutory period of the 106 patent. Accordingly, this rejection is moot. Withdrawal of the rejection is respectfully requested.

II. Claim Rejection under 35 U.S.C. § 103

The Office Action rejects claims 1-28 under 35 U.S.C. § 103(a) over "Algorithms for Computing the Distances between Unordered Trees," Shaoming Liu and Elichi Tanaka (Liu-II), in view of U.S. Patent No. 6,871,174 (Dolan). This rejection is respectfully traversed.

A. Independent Claims 1 and 15

Independent claims 1 and 15 are amended to incorporate canceled claims 2 and 16, respectively, and to further clarify the word information and case information features originally presented in canceled claims 4 and 16, respectively.

As admitted in the Office Action, Liu-II fails to explicitly teach that distance = (the calculated distance between the first R tree and the second R tree) / (a sum of the vertices in

the first R tree and the second R tree). Instead, it is alleged that such a feature is "well known in the art." However, it is not appropriate for the Patent Office to rely solely on "common knowledge" in the art without some evidentiary support in the record (MPEP §2144.03). Because a reference to support the Examiner's conclusory statements has not been provided, a proper rationale to support the obviousness rejection has not been met. The Examiner is requested to provide evidentiary support for this asserted "well known" feature in the next Office Action should this rejection be maintained.

Moreover, independent claims 1 and 15 as amended specify that the word information and the case information are assigned to vertexes of the tree so that at least one vertex includes both the word information and the case information. This is supported, for example, in Applicant's Figs. 4, 10 and 11.

Liu-II admittedly fails to teach this feature. Dolan fails to overcome the deficiencies of Liu-II. In particular, Figs. 2D, 3B and 3C of Dolan merely disclose that the case information may be assigned to edges of the tree, but not to vertexes of the tree. Moreover, Dolan fails to teach assigning of both the word information and the case information to one vertex of the tree.

Thus, Liu-II and Dolan, in any combination, fail to teach or provide a reason for providing the features recited in independent claims 1 and 15. Therefore, Liu-II and Dolan, either individually or in combination, fail to render the subject matter of independent claims 1 and 15 obvious.

Claims 3, 5-7, 17 and 19-21 variously depend from claims 1 and 15. Because the applied references, in any combination, fail to render the subject matter of independent claims 1 and 15 obvious, these dependent claims are patentable for at least the reasons that claims 1 and 15 are patentable, as well as for the additional features they recite.

Accordingly, withdrawal of the rejection is respectfully requested.

B. Independent Claims 8 and 22

Independent claims 8 and 22 are amended to incorporate canceled claims 9 and 17, respectively, and to further clarify the word information and case information features originally presented in canceled claims 11 and 25, respectively.

These claims recite "calculating a distance between the first RO tree and second RO tree," where the trees are rooted and ordered trees. However, Liu-II is directed to a rooted and unordered tree (R tree). Although the Office Action admits that Liu-II is directed to an R tree, it is nonetheless asserted that use of an RO tree is "well known in the art." Again, however, there is no documentary evidence for this assertion as required by MPEP §2144.03. Also, it is alleged that it would have been obvious to use an RO tree because "it is easier to calculate distances between two RO trees than for an R tree because the order is taken into account." However, there is no support for this allegation articulated in the Office Action. Instead, both Liu-II and Dolan teach preference for use of unordered trees and nothing articulated in the record necessarily shows a motivation that would lead one of ordinary skill in the art to substitute use of RO trees or tends to show that such a substitution would be "easier." Again, the Examiner is requested to provide evidentiary support for the asserted feature in the next Office Action should the rejection be maintained.

Furthermore, independent claims 8 and 22 as amended to specify that the word information and the case information are assigned to vertexes of the tree so that at least one vertex includes both the word information and the case information. This is supported, for example, in Applicant's Figs. 4, 10 and 11.

Liu-II admittedly fails to teach this feature. Dolan fails to overcome the deficiencies of Liu-II. In particular, Figs. 2D, 3B and 3C of Dolan merely disclose that the case information may be assigned to edges of the tree, but not to vertexes of the tree. Moreover,

Dolan fails to teach assigning of both the word information and the case information to one vertex of the tree.

Applicant respectfully submits that the applied references, in any combination, do not teach the calculation of a distance between the first RO tree and the second RO tree or the assignment of case information and word information to the vertex of the tree as recited. Thus, independent claims 8 and 22 are not obvious in view of the applied references.

Claims 10, 12-14, 24 and 26-28 variously depend from claims 8 and 22. Because the applied references, in any combination, fail to render the subject matter of independent claims 8 and 22 obvious, these dependent claims are patentable for at least the reasons that claims 8 and 22 are patentable, as well as for the additional features they recite.

Withdrawal of the rejection is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:SPC/ccs

Attachments:

Petition for Extension of Time
Terminal Disclaimer

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